

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CR-15-113-004-R
)	
TIFFANY BANKS,)	
a/k/a "Tiffany Wright,")	
a/k/a "Tiffany Navarette,")	
)	
Defendant.)	

**MOTION OF THE UNITED STATES
FOR A FINAL ORDER OF FORFEITURE**

The plaintiff, United States of America, respectfully moves this Court for a Final Order of Forfeiture in the above-styled case, and in support thereof represents to the Court the following facts:

On November 10, 2015, the Court entered a Preliminary Order of Forfeiture against the defendant Tiffany Banks based on the plea agreement, the petition to enter plea of guilty, and the finding of requisite nexus between the property and the offense committed by the defendant. The Preliminary Order divested defendant of all her right, title, and interest in the following described property:

1. A Smith and Wesson, 686 revolver;
2. A FN Five-seven, 5.7x28mm semi-automatic pistol;
3. Miscellaneous rounds of .357 ammunition;
4. Miscellaneous rounds of 5.7x28mm ammunition;
5. Miscellaneous rounds of .38 caliber ammunition;

6. Miscellaneous rounds of .40 caliber ammunition; and
7. Any and all magazines and ammunition not otherwise specified.

Pursuant to 21 U.S.C. § 853(n), third parties asserting a legal interest in the above-described forfeited properties are entitled to a judicial determination of the validity of the legal claims or interests they assert.

Pursuant to 21 U.S.C. § 853(n)(1), the United States Attorney's Office, as directed by the Attorney General, published notice of the forfeiture of the above-described property and the requirements for filing a claim for the property on the government's website at www.forfeiture.gov for thirty (30) consecutive days beginning on November 13, 2015, and ending on December 12, 2015, for at least 18 hours per day. A Declaration of Publication specifying the details of publication is attached hereto (Exhibit 1). A copy of the Preliminary Order of Forfeiture and the Notice of Forfeiture were also provided to the following parties:

- a) delivery of notice to Paul A. Lacy, counsel for defendant, by certified mail, return receipt number 7012 3050 0002 0943 5757 on November 16, 2015 (Exhibit 2, Certified Mail Receipt); and
- b) delivery of notice to Tiffany Banks, defendant, at the Logan County Jail by personal service via the U.S. Marshals Service on December 10, 2015 (Exhibit 3, USM-285).

Pursuant to 21 U.S.C. § 853(n)(2), any person, other than the defendant, asserting a legal interest in the property subject to forfeiture may, within (30) days of the final publication of notice, or of receipt of actual notice, whichever is earlier, petition the

Court for a hearing to adjudicate the validity of his/her alleged interest in the property.

It appears from the record that no third party made any claim to or declared any interest in the above-described forfeited property as required by the ancillary provision of 21 U.S.C. § 853(n). Therefore, any third-party interests are barred by failure of those parties to file a petition.

WHEREFORE, the United States moves this Court for a Final Order of Forfeiture declaring the above-described property be forfeited as to all parties and vesting full right, title, and interest in the property in the United States, and directing the United States Marshals Service, or other appropriate agency, to dispose of the property according to law.

Respectfully submitted,

MARK A. YANCEY
Acting United States Attorney

/s/ David P. Petermann.
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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants in the case.

/s/ *David P. Petermann*
Assistant U.S. Attorney